

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MICHAEL R. BLOOMBERG,  
JOHN D. WAANDERS  
and HELMARS E. OZOLINS

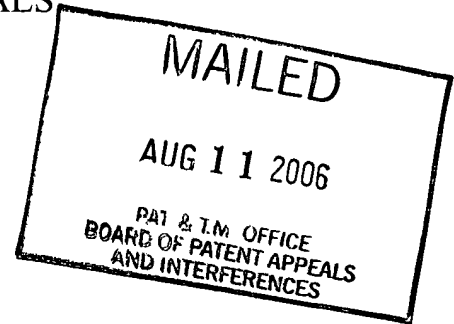
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Application No. 10/081,132

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on August 2, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 8, 2006, appellants filed an Appeal Brief. A review of the file reveals that claims 1, 3 and 9 in the appendix of the Appeal Brief are not consistent as amended in the Amendment filed on February 7, 2005. Appropriate correction required.

On May 11, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page No. 3, paragraph 8, the examiner has stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Olshansky (Patent No. 6,493,437 B1), Trandal et al. (Patent No. 2003/0081752 A1), Chang et al. (2002/0122415 A1), Patel (Patent No. 2002/0174345 A1) and examiner's official notice were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) 1207.02. Appropriate correction is required.

Accordingly, it is

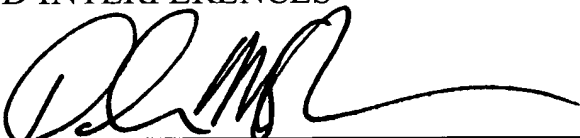
**ORDERED** that the application is returned to the Examiner for:

- 1) correction of the Appendix;
- 2) vacate the Examiner's Answer mailed May 11, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (8); and

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3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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DMS/dal

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